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Fax Cover Sheet

Date: 20 May 2004

To: Jean Baker	From: Jennifer E. Graser
Application/Control Number: 09/770,916	Art Unit: 1645
Fax No.: 414-271-3552	Phone No.: 571-272-0858
Voice No.:	Return Fax No.: (703) 872-9306
Re:	CC:
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

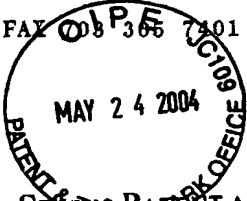
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Number of pages 3 including this page

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,916	01/26/2001	Dana W. Frank	650153.91487	6613

7590 10/30/2003

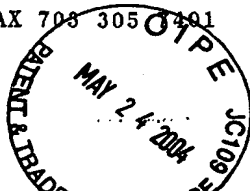
Jean C. Baker
Quarles and Brady LLP
411 East Wisconsin Avenue
Milwaukee, WI 53202-4497

EXAMINER	
GRASER, JENNIFER E.	

ART UNIT	PAPER NUMBER
1645	

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10/9/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opls/preognotice/officeflygr.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

James Mason
Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)

Country Application

Thursday, May 20, 2004

Page: 1

Matter Number: 650053.91487**Country:** US**SubCase:****Client:** MEDICAL COLLEGE OF WISCONSIN

United States of America

Division / Subdivision: No Division**Site:** Milwaukee**Case Type:** CIP**Application Status:** Pending**Application Number:** 09/770,916**Filing Date:** 26-Jan-2001**Publication Number:****Publication Date:****Patent Number:****Issue Date:****Parent/PCT Number:** 09/448,339**Parent/PCT Date :** 23-Nov-1999**arent Patent Number:****Parent Issue Date :****Tax Schedule:** SE**Expiration Date:****Confirmation Number:** 6613**Patent Term Adjustment:** 0**Agent:****Agent Reference #:**

Remarks: This application is CIP of 09/448,339 11/23/1999 (docket 650053.91363) and claims benefit of 60/109,952 11/25/1998 and claims benefit of 60/126,794 3/30/1999.

1/25/02: PCT filed incorporating 09/770,916 (650003.91487) and 60/264,795 (650003.91576). Filed under .91576.

1/13/03: Notice of Abandonment received?

1/14/03: Petition to Withdraw Holding of Abandonment; Statement from Anita Eisert; Copy of Response (2 pages), Postcard (1 page), and Electronic Log (2 pages). NO FEE; uspto date stamp 1/21/03.

6/7/03: Received notice that Withdrawal of Abandonment petition is Granted, date mailed 6/2/03.

10/6/03: Assignment to The Regents of the University of California submitted, uspto date stamp 10/9/03.

3/31/04: Status Inquiry submitted, uspto date stamp 4/6/04.

List Of Actions

Action(s) Due	Due Date	Action Taken	
Information Disclosure Stmt	26-Apr-2001	Due Date	26-Oct-2001
Missing Parts Due	01-Oct-2001	Due Date	01-Oct-2001
Foreign Filing Due in 3 mnths	26-Oct-2001	Reminder	25-Jan-2002
1 month extension	01-Nov-2001	Reminder	01-Oct-2001
2 month extension	01-Dec-2001	Reminder	01-Oct-2001
3 month extension	01-Jan-2002	Reminder	01-Oct-2001
US-Missing Par Follow Up Date	01-Jan-2002	Due Date	05-Oct-2001
Foreign Filing Deadline	26-Jan-2002	Final	25-Jan-2002
Missing Parts - Final	01-Feb-2002	Final	01-Oct-2001
MP Incomplete Reply	01-Feb-2002	Due Date	05-Dec-2001
Information Dis Follow Up Date	26-Apr-2002	Due Date	22-Jan-2002
MP Incomplete R Follow Up Date	05-Jun-2002	Due Date	05-Dec-2001
Due Date - Election	10-Jul-2002	Due Date	08-Jul-2002
Foreign Filing Follow Up Date	25-Jul-2002	Due Date	25-Jan-2002
Application Status Check	26-Jul-2002	Due Date	10-Jun-2002
Election - 1 Month Ext.	10-Aug-2002	Reminder	08-Jul-2002
Election - 2 Month Ext.	10-Sep-2002	Reminder	08-Jul-2002
Election - 3 Month Ext.	10-Oct-2002	Reminder	08-Jul-2002
Election - 4 Month Ext.	10-Nov-2002	Reminder	08-Jul-2002
Election - Final Deadline	10-Dec-2002	Final	08-Jul-2002
US-Restriction Follow Up Date	08-Jan-2003	Due Date	08-Jul-2002
3 Month Due Date	20-Sep-2003	Due Date	06-Oct-2003
1 Month Extension	20-Oct-2003	Reminder	06-Oct-2003
2 Month Extension	20-Nov-2003	Reminder	06-Oct-2003
6 Month Deadline	20-Dec-2003	Final	06-Oct-2003
US-3 Month Off Follow Up Date	06-Jan-2004	Due Date	09-Oct-2003

User ID: jak**Date Created:** 18-May-2000**Last Update:** 03-May-2004